

CITY COUNCIL
ATLANTA, GEORGIA

04-○-1120

AN ORDINANCE BY:
COUNCIL MEMBER IVORY LEE YOUNG

AN ORDINANCE TO ABANDON THE FOLLOWING PORTION OF PROPERTY, BEING MORE SPECIFICALLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" AND THE SURVEY ATTACHED AS EXHIBIT "B" OF DOVER STREET AT HAYNES STREET, A DISTANCE OF APPROXIMATELY 110 FEET AS SHOWN ON EXHIBIT "B".

Whereas, the Applicant, owner of the abutting property, has filed a formal petition with the City of Atlanta (the "City") to abandon the above-referenced property, said application containing the consent of the abutting property owners to the abandonment; and

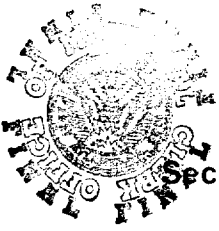
Whereas, the Applicant has paid fees of \$2,500.00 for the abandonment, as specified by Section 138-9(a)(5) of the City of Atlanta Code of Ordinances; and

Whereas, this abandonment request will be reviewed by the proper related agencies of the City and with the Public Utilities; and

Whereas, the Applicant agrees to compensate the City for the fair market value of the City's interest in the property proposed for abandonment.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

- Section 1.** That the Applicant will be required to meet the requirements of Section 138-9 of the City of Atlanta Code of Ordinances, including having the abandonment request reviewed by the police, fire and planning departments. **Provided that the applicant shall be exempt from section 138-9(k)(2)(attached).**
- Section 2.** That the portion of the above-referenced properties, whose legal description is shown on the attached Exhibit "A", is hereby declared no longer useful or necessary for the public's use and convenience.
- Section 3.** The Mayor, or her designee, shall be and is hereby authorized, after review by the appropriate agencies of the City, to appraise the fair market value of the right-of-way described herein, and prepare an appraisal report setting forth said fair market value.
- Section 4.** That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed or relocated, at which time, said easements shall expire.



- Section 5.** That all costs associated with the appraisal report(s) shall be charged to and paid from an account to be established by the Department of Finance, utilizing the funds paid by the applicant in connection with its abandonment request;
- Section 6.** That the Mayor is hereby authorized to execute Quitclaim Deeds to Applicant for the portions of the above-described properties abandoned herein, upon receipt of payment in the amount of the appraised value.
- Section 7.** The date of execution of this Ordinance by the Mayor shall be the effective date of abandonment. Applicant agrees to indemnify and hold the City harmless for any act or omission to act on its part after the portions of streets described herein are abandoned.
- Section 8.** That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

DEC 06, 2004
DEC 10, 2004



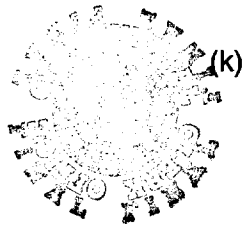
EXHIBIT - "A"

Dover Street to be abandoned:

All that tract or parcel of land lying and being in Land Lot 84 of the 14th District, Fulton County, Georgia, and being more particularly described as follows:

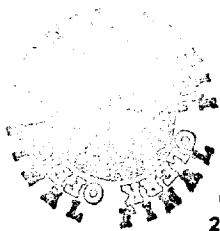
Commencing at a PK nail found at the intersection of the western right-of-way line of Haynes Street (40-foot right-of-way) and the northwestern right-of-way line of Chapel Street (50-foot right-of-way), run thence along said right-of-way line of Haynes Street North 01 degree 12 minutes 10 seconds East a distance of 152.52 feet to a ½-inch rebar found on the southern right-of-way line of Dover Street (also known as Dover's Alley) (20-foot right-of-way); said rebar marking the TRUE POINT OF BEGINNING; from said TRUE POINT OF BEGINNING as thus established, leaving the aforesaid right-of-way line of Haynes Street and running along the southerly right-of-way line of Dover Street the following courses and distances: South 83 degrees 46 minutes 47 seconds West a distance of 110.20 feet to a ½-inch rebar found; South 83 degrees 49 minutes 34 seconds West a distance of 50.00 feet to a ½-inch rebar found; South 81 degrees 04 minutes 43 seconds West a distance of 52.35 feet to a ½-inch rebar found; South 80 degrees 40 minutes 59 seconds West a distance of 80.04 feet to a ½-inch rebar found; leaving said southern right-of-way line run thence North 12 degrees 49 minutes 07 seconds West a distance equal to half of the right-of-way of Dover Street; run thence in an easterly direction along the centerline of Dover Street a series of calls parallel to the aforementioned calls running along the southerly right-of-way of Dover Street to the point where Moser Financial, LLC owns the parcels on both sides of Dover Street; from said point run North 00 degrees 12 minutes 36 seconds East to the northern right-of-way line of Dover Street; run thence along said northern right-of-way line of Dover Street North 83 degrees 42 minutes 56 seconds East a distance of 101.61 feet an iron pin set on the westerly right-of-way line of Haynes Street; run thence southerly along said westerly right-of-way line of Haynes Street South 01 degree 11 minutes 17 seconds West a distance of 20.00 feet to the ½-inch rebar found at the TRUE POINT OF BEGINNING.

NOTE: THE ABOVE DESCRIPTION IS TENTATIVE AND WILL BE REVISED UPON RECEIPT OF A CURRENT AND ACCURATE SURVEY. THIS DISCRIPTION IS NOT FOR USE IN CONVEYANCES NOR TITLE INSURANCE.



(k) Physical conditions for abandonment. No street nor right-of-way shall be abandoned unless the following conditions are met.

- (1) No abandonment shall result in any parcel of land being left landlocked, nor shall any new lot be created which does not comply with the current applicable zoning and building permitting requirements.
- (2) No abandonment shall occur until all portions of the right-of-way or with a city standard cul-de-sac as defined in city's department of public works standard details. It shall be a condition of any abandonment that appropriate city standard infrastructure shall be construed by the petitioner, including the appropriate dedication of any additional land area required by construction of a cul-de-sac.



WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

OVERLOOK I, SUITE 700
2849 PACES FERRY ROAD
ATLANTA, GEORGIA 30339

LARRY M. DINGLE

LDINGLE@WBILEGAL.COM
DIRECT DIAL: (770) 803-3704

TELEPHONE
(404) 853-5050

FACSIMILE
(404) 853-1812

November 29, 2004

Commissioner David Scott
Department of Public Works
Suite 4700
55 Trinity Avenue SW
Atlanta, Georgia 30303

Re: Chapel Street Lofts

Dear Commissioner Scott:

I have attached a series of emails following your email to me of Thursday, November 18, 2004. Based upon our telephone conference and your advising that upon receiving some favorable writing from Harold A. Dawson Co., Inc. that you would allow the abandonment to move forward from the City Utilities Committee on November 30, 2004. I have included your letter as Exhibit "A."

On November 12, 2004, I wrote to Jerome Hagley, Executive Vice President of Harold A. Dawson Co., Inc., and also delivered to Mr. Hagley detailed development plans which show topography and the management of storm water on the site post development. (A copy of this letter is attached hereto and incorporated herein by this reference as Exhibit "B.") Also, as a part of that communication, I provided Mr. Hagley with a form letter which I recommended that he sign and send to your office.

On November 22, 2004, Jerome Hagley responded and advised that he was sharing the letter and detailed information I provided him to his Vice President of Design and Construction (this email is attached as Exhibit "C"). Also in the November 22, 2004 correspondence, the Vice President of Design and Construction wrote to Mr. Hagley and advised that certain adjustments be made to my proposed letter which is set forth in that email. The HADCO email contains two conditions. The first condition requires that our client, Interfinancial Properties, construct a redundant storm water inlet structures in the surface parking area of Chapel Street Lofts to reduce the risk of overflow onto HADCO's adjacent property. The second



WILSON BROCK & IRBY, L.L.C.

Commissioner David Scott

Department of Public Works

November 29, 2004

Page 2

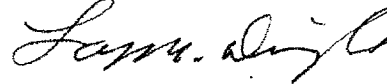
condition was that the developer agree to reconstruct the City's storm water drop inlet at the southwestern curve of the intersections of Haynes and Markham Streets.

On November 29, 2004, I was authorized to communicate our agreement to the two HADCO conditions (see letter of November 29, 2004, which is attached as Exhibit "D"). HADCO is the owner of Northside Plaza.

I hope this information is sufficient to support your request to Mr. Alfred Berry of the Council Staff to allow this matter to be considered tomorrow.

Sincerely,

WILSON BROCK & IRBY, L.L.C.



Larry M. Dingle

LMD/rdk
Enclosures



WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

OVERLOOK I, SUITE 700
2849 PACES FERRY ROAD
ATLANTA, GEORGIA 30339

LARRY M. DINGLE

LDINGLE@WBILEGAL.COM
DIRECT DIAL: (770) 803-3704

TELEPHONE
(404) 853-5050

FACSIMILE
(404) 853-1812

November 29, 2004

S. Jerome Hagley, III, Executive Vice President
Harold A. Dawson Co., Inc.
Suite 3700
600 Peachtree Street, N.E.
Atlanta, Georgia 30308

Re: Chapel Street Lofts

Dear Jerome:

As you are aware, our law firm has been retained to represent the developer in the above-referenced project, Interfinancial Properties, LLC. I received and reviewed the e-mail letter of November 22, 2004. I have been authorized to advise you that our client is agreeable to adding redundant storm water inlet structures in the surface parking area of the Chapel Street Lofts to reduce the risk of our flow onto HADCO's property adjacent to your property, which is downhill and to the north of our client's property.

Further, our client agrees to reconstruct the storm water drop inlet at the southwestern curb of the intersection of Haynes and Markham Streets, provided the City authorizes such reconstruction.

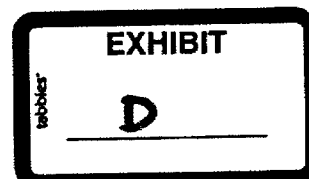
Thank you for your assistance with this matter.

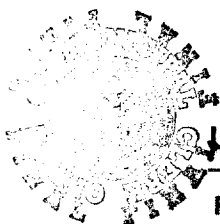
Sincerely,

WILSON BROCK & IRBY, L.L.C.

Larry M. Dingle

LMD/rdk





Larry M. Dingle

From: Jerome Hagley [jeromehagley@hadcoinc.com]
Sent: Monday, November 22, 2004 12:01 PM
To: Larry M. Dingle
Cc: Frank L. Wilson, III; Bailey T. Pope
Subject: FW: Chapel Street Lofts

Larry:

I'm forwarding to you an email from Bailey Pope, HADCO's VP of Design and Construction. Based on his recommendation, HADCO/NSP is prepared to sign a letter in support of the abandonment, as outlined below. As you know, I'm in the middle of our Lindbergh closing, however, I will try and free up some time later today or tomorrow to speak with you in regards to this matter.

Best regards,

Jerome

From: Bailey T. Pope
Sent: Monday, November 22, 2004 11:49 AM
To: Jerome Hagley
Subject: Chapel Street Lofts

Jerome:

I have reviewed the letter you received from Larry Dingle and the plans for the Chapel Street Lofts. There is a lot of reliance on a single drop inlet located immediately above our amenity area. I think we need to adjust the letter Larry proposed. My version is below, let me know what you think.

Bailey

Revised text for letter to David Scott:

Re: Abandonment of Dover Street

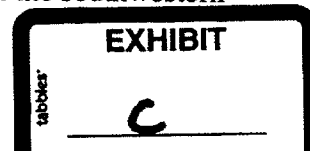
Dear Commissioner Scott:

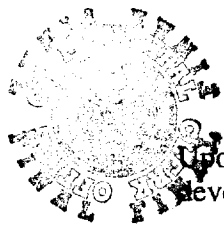
This letter is to confirm and advise that the Harold A. Dawson Company, Inc. (HADCO) has reviewed the site plans, prepared by Lancaster & Associates and dated 9-21-04, for the Chapel Street Lofts. Subject to the following conditions, HADCO does not object to the abandonment of a portion of Dover Street as proposed in the Ordinance currently pending in the City Utilities Committee of the Atlanta City Council.

Conditions for Dover Street Abandonment

1. Construction by the Loft developer of redundant storm water inlet structures in the south and west surface parking area of the Chapel Street Lofts to reduce the risk of overflow onto HADCO's adjacent proper downhill to the north.
2. Reconstruction by the Loft developer or the City of the storm sewer drop inlet at the southwestern curb at the intersection of Haynes and Markham Streets.

11/29/2004



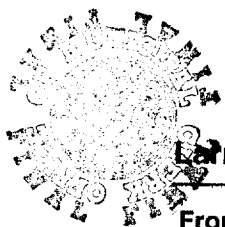


Upon institution of the above conditions, we gladly offer our full support to the Chapel Street Loft development.

Sincerely,

Harold A. Dawson Company, Inc.

11/29/2004



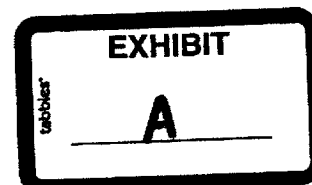
Larry M. Dingle

From: David E. Scott [DEScott@AtlantaGa.Gov]
Sent: Thursday, November 18, 2004 9:33 AM
To: Larry M. Dingle
Cc: Sandra Jennings
Subject: Dover Street

Larry, I have staff reviewing the Dover Street abandonment issue. You were to provide me with some additional information concerning the planned development of the adjacent properties. Has that letter been delivered?

David E. Scott, P.E.
Commissioner
City of Atlanta
Department of Public Works
55 Trinity Ave, SW
Atlanta, Georgia 30303

11/29/2004





WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

LARRY M. DINGLE

LDINGLE@WBILEGAL.COM
DIRECT DIAL: (770) 803-3704

TELEPHONE
(404) 853-5050

FACSIMILE
(404) 853-1812

OVERLOOK I, SUITE 700
2849 PACES FERRY ROAD
ATLANTA, GEORGIA 30339

November 12, 2004

VIA HAND DELIVERY

S. Jerome Hagley, III, Executive Vice President
Harold A. Dawson Co., Inc.
Suite 3700
600 Peachtree Street, N.E.
Atlanta, Georgia 30308

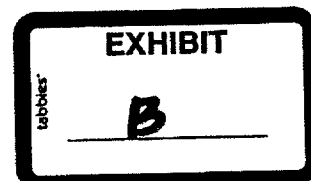
Re: Chapel Street Lofts

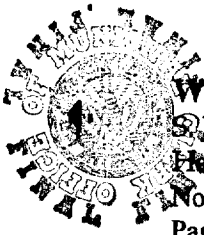
Dear Jerome:

I have attached a copy of the Chapel Street Lofts project located at the intersection of Chapel and Haynes Streets, adjacent to property owned by Northside Plaza Limited. You will note from Sheet C-1, the property is proposed to be improved with two buildings, a driveway area and parking lot. Please note the parking spaces under Building No. 2, which will also be developed with an underground vault. Sheet C-3 contains the proposed building layout and topographical description of the land. You probably already know the land slopes towards your property. The elevations along those two street intersections is at 1035 and 1045 feet above sea level. At your property line the elevations are between 30 and 35 feet. This information confirms that the flow of stormwater runoff under the current undeveloped property causes water to flow toward your property and explains why, from time to time, your property suffers from the runoff conditions that you have mentioned.

The post-development conditions will substantially improve your current runoff situation. As you will note from the stormwater drainage plan, the water from the property will be moved southeasterly to the front of the site (to the underground vault). This new development condition will greatly improve your existing condition.

{49609.1} 040867-000001





WILSON BROCK & IRBY, L.L.C.

Sprome Hagley, III, Executive Vice President

Harold A. Dawson Co., Inc.

November 12, 2004

Page 2

Along with the information enclosed, I have included a proposed letter to Commissioner David Scott of the City of Atlanta Department of Public Works. Once you have had an opportunity to review the material and if you agree with our conclusion that the Stormwater Management Plan improves your condition, I would deeply appreciate your signing the enclosed letter and sending it to me by November 15, 2004.

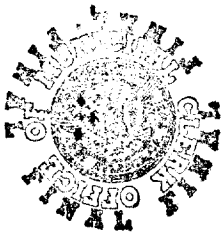
Thank you for your assistance.

Sincerely,

WILSON BROCK & IRBY, L.L.C.

Larry M. Dingle

LMD/rdk
Enclosures



November 11, 2004

David E. Scott, P.E., Commissioner
City of Atlanta
Department of Public Works
Suite 4700
55 Trinity Avenue
Atlanta, Georgia 30303

Re: Abandonment of Dover Street

Dear Commissioner Scott:

This letter is to confirm and advise that the Harold A. Dawson Company does not object to the abandonment of a portion of Dover Street as proposed in the Ordinance currently pending in the City Utilities Committee of the Atlanta City Council.

Sincerely,

HAROLD A. DAWSON COMPANY

S. Jerome Hagley, III,
Executive Vice President

RCS# 6311
12/06/04
5:21 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 5-25 EXCEPT 04-O-2102
 04-R-2231 04-R-2224 04-R-2203
 ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

			12-06-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 04-O-2043	42. 04-R-2128	83. 04-R-2186	104. 04-O-1989
2. 04-O-2044	43. 04-R-2129	84. 04-R-2187	105. 04-O-1990
3. 04-O-2045	44. 04-R-2130	85. 04-R-2188	106. 04-O-1991
4. 04-O-2046	45. 04-R-2131	86. 04-R-2189	107. 04-O-1992
5. 04-O-2098	46. 04-R-2132	87. 04-R-2199	108. 04-O-1993
6. 04-O-2099	47. 04-R-2209	88. 04-R-2200	109. 04-O-1994
7. 04-O-2100	48. 04-R-2210	89. 04-R-2201	110. 04-O-1995
8. 04-O-2110	49. 04-R-2211	Items	111. 04-O-1996
9. 04-O-2115	50. 04-R-2212	Adversed on	112. 04-O-1997
10. 04-O-1434	51. 04-R-2214	Consent	113. 04-O-2054
11. 04-O-1927	52. 04-R-2215	90. 04-R-2178	114. 04-O-2055
12. 04-O-1120	53. 04-R-2084	91. 04-R-2179	115. 04-O-2057
13. 04-O-1972	54. 04-R-2150	92. 04-R-2180	116. 04-O-2059
14. 04-O-2047	55. 04-R-2151	93. 04-R-2181	117. 04-O-2116
15. 04-O-0649	56. 04-R-2152	94. 04-R-2182	118. 03-R-1387
16. 04-O-1753	57. 04-R-2155	95. 04-R-2183	119. 04-R-2120
17. 04-O-1802	58. 04-R-2133	96. 04-R-2184	120. 04-R-2136
18. 04-O-1823	59. 04-R-2134	97. 04-R-2190	121. 04-R-2137
19. 04-O-2050	60. 04-R-2202	98. 04-R-2191	122. 04-R-2140
20. 04-O-2051	61. 04-R-2205	99. 04-R-2192	123. 04-R-2141
21. 04-O-2052	62. 04-R-2206	100. 04-R-2193	124. 04-R-2142
22. 04-O-2053	63. 04-R-2158	101. 04-R-2194	125. 04-R-2143
23. 04-O-2061	64. 04-R-2159	102. 04-R-2195	126. 04-R-2144
24. 04-O-2086	65. 04-R-2160	103. 04-R-2196	127. 04-R-2216
25. 04-O-2087	66. 04-R-2161		128. 04-R-2220
26. 04-O-2021	67. 04-R-2162		129. 04-R-2221
27. 04-O-2049	68. 04-R-2163		
28. 04-R-2145	69. 04-R-2164		
29. 04-R-2146	70. 04-R-2165		
30. 04-R-2147	71. 04-R-2166		
31. 04-R-2148	72. 04-R-2167		
32. 04-R-2149	73. 04-R-2168		
33. 04-R-2204	74. 04-R-2169		
34. 04-R-1970	75. 04-R-2170		
35. 04-R-2121	76. 04-R-2171		
36. 04-R-2122	77. 04-R-2172		
37. 04-R-2123	78. 04-R-2173		
38. 04-R-2124	79. 04-R-2174		
39. 04-R-2125	80. 04-R-2175		
40. 04-R-2126	81. 04-R-2176		
41. 04-R-2127	82. 04-R-2177		

(Do Not Write Above This Line)

AN ORDINANCE

BY: COUNCILMEMBER VORY LEE YOUNG, JR.

AN ORDINANCE TO ABANDON THE FOLLOWING PORTION OF PROPERTY, BEING MORE SPECIFICALLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT 'A' AND THE SURVEY ATTACHED AS EXHIBIT 'B' OF DOVER STREET AT HAYNES STREET, A DISTANCE OF APPROXIMATELY 110 FEET AS SHOWN ON EXHIBIT 'B'.

ADOPTED BY

DEC 06 2004

COUNCIL

As Amended

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred 06/07/04

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Members

6/24/04

9:30 AM

D.P. L.V. Home

Issues

Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Members

Fav, Adv, Hold (see rev. side)

Other

Members

David Mulla

City of Henderson

Refer To

Refer To

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

DEC 06 2004

DEC 06 2004

MAYOR'S ACTION

MAYOR'S ACTION

MAYOR